



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,975	03/01/2002	Yakov Kamen	ISURFTV164	9048
52940	7590	09/12/2006	EXAMINER	
TODD S. PARKHURST HOLLAND & KNIGHT LLP 131 S. DEARBORN STREET 30TH FLOOR CHICAGO, IL 60603			PENG, FRED H	
			ART UNIT	PAPER NUMBER
			2633	
DATE MAILED: 09/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,975	KAMEN ET AL.	
	Examiner	Art Unit	
	fred peng	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/01/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 10-14, 16, 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Saib et al (US 20010005905 A1).

- Regarding Claim 1, Saib anticipates a method evaluating a depression duration of a button for controlling a multimedia presentation device and performing a function of plurality of functions based on the depression duration by "A method and apparatus for use with a tuning device is described. Although the present invention is described using a direct broadcast satellite system, it is apparent to one skilled in the art that other broadcast systems that have the capability of receiving and displaying a multiplicity of stations may also utilize the method and apparatus of the present invention (See paragraph 16 lines 1-7). A method and apparatus for providing a multi-station JUMP function is described (See paragraph 6 lines 1-2). If the "JUMP" key 108 is depressed, then in step 304, it must be determined whether the "JUMP" key 108 has been depressed for more than a predetermined period of time. In one embodiment, the predetermined period of time is approximately two seconds (See paragraph 32 lines 1-5). Moreover, the present invention allows the user to assign up to five stations during a single viewing period as well as add and remove stations during a single viewing period with a single key. Furthermore, the JUMP Loop function is user-friendly as the same single key is used to jump, to store and to delete the stations in the JUMP Loop (See paragraph 6 lines 7-13)".

Regarding Claim 2, Saib further anticipates evaluating the depression duration comprising determining depression of a button, periodically incrementing a counter and evaluating the value upon termination by " It should be readily apparent that the test for the

depression of the "JUMP" key 108 may be one of many tests performed to determine the keys depressed by the user. Alternately, the tests may be interrupts generated when particular keys are depressed (See paragraph 31 lines 6-10). The CPU 29 of IRD 102 is the central control mechanism and executes stored code to perform certain functions of the system (See paragraph 28 lines 1-3). In another embodiment, the CPU 29 processes certain data to control the function of the "JUMP" key 108 (See paragraph 28 lines 5-7). In addition, the CPU 29 receives and processes the user input, received from the front panel buttons or switches 40 and the photodetector circuit 39 to provide the user functionality and access to the system described herein (See paragraph 28 lines 8-12)". The CPU, acting as a computer function is inherent to perform the counter functionality and evaluate the value.

Regarding Claims 3 and 4, Saib further anticipates some of the plurality of functions affecting a favorite channel list are selected from the group consisting of accessing, updating, programming and last channel by "As a user consecutively pushes the JUMP key or button 108, the user will be switched between station 1 (401), station 2 (402), station 3 (403) and then back to station 1 (401) (See paragraph 36 lines 7-10). FIG. 4B is a state diagram that illustrates that stations 4 (404) and 5 (405) have been added to the JUMP loop sequence of FIG. 4A (See paragraph 37 lines 1-3). In contrast, the present invention allows a user to jump among any two or more stations, not just the two most recently tuned stations. Moreover, the present invention allows the user to assign up to five stations during a single viewing period as well as add and remove stations during a single viewing period with a single key. Furthermore, the JUMP Loop function is user-friendly as the same single key is used to jump, to store and to delete the stations in the JUMP Loop (See paragraph 6 lines 5-13). For example, one cable box has a LAST CHANNEL RECALL ("LC") button/key that allows a user to toggle back and forth between the last channel tuned and the currently tuned channel (See paragraph 5 lines 2-6)".

Regarding Claim 5, Saib anticipates a method implementing a function of plurality of functions on a multimedia presentation device and providing access to the plurality of functions through a single-button depression wherein a button depression duration corresponds to one of

the plurality of functions by "A method and apparatus for use with a tuning device is described. Although the present invention is described using a direct broadcast satellite system, it is apparent to one skilled in the art that other broadcast systems that have the capability of receiving and displaying a multiplicity of stations may also utilize the method and apparatus of the present invention (See paragraph 16 lines 1-7). A method and apparatus for providing a multi-station JUMP function is described (See paragraph 6 lines 1-2). If the "JUMP" key 108 is depressed, then in step 304, it must be determined whether the "JUMP" key 108 has been depressed for more than a predetermined period of time. In one embodiment, the predetermined period of time is approximately two seconds (See paragraph 32 lines 1-5). Moreover, the present invention allows the user to assign up to five stations during a single viewing period as well as add and remove stations during a single viewing period with a single key. Furthermore, the JUMP Loop function is user-friendly as the same single key is used to jump, to store and to delete the stations in the JUMP Loop (See paragraph 6 lines 7-13). Once a user selects at least two JUMP stations to be included in a complete JUMP Loop, the user needs to merely press the JUMP key or JUMP button repeatedly (e.g., for less than the predetermined period of time) to view the stations in the order that they were set or assigned to the JUMP Loop. Of course, at any time, the user can add or remove JUMP stations simply by holding the JUMP key down for at least the predetermined amount of time (See paragraph 35 lines 13-21).

Regarding Claim 7, Saib further anticipates the plurality of functions affecting a favorite channel list by "Once a user selects at least two JUMP stations to be included in a complete JUMP Loop, the user needs to merely press the JUMP key or JUMP button repeatedly (e.g., for less than the predetermined period of time) to view the stations in the order that they were set or assigned to the JUMP Loop. Of course, at any time, the user can add or remove JUMP stations simply by holding the JUMP key down for at least the predetermined amount of time (See paragraph 35 lines 13-21).

Regarding Claim 10, Saib anticipates a machine-readable medium containing instructions executed by a processor to perform the method of performing a function of a plurality of functions

Art Unit: 2633

based upon the depression duration by "The CPU 29 of IRD 102 is the central control mechanism and executes stored code to perform certain functions of the system. For example, in one embodiment, the CPU 29 receives and processes data to tune to a particular station. In another embodiment, the CPU 29 processes certain data to control the function of the "JUMP" key 108 to allow the user to store a selected number of channels in a JUMP Loop sequence. In addition, the CPU 29 receives and processes the user input, received from the front panel buttons or switches 40 and the photodetector circuit 39 to provide the user functionality and access to the system described herein (See paragraph 28 lines 1-12)".

Regarding Claim 11, Saib further anticipates evaluating the depression duration comprising determining depression of a button, incrementing the counter and evaluating the value upon termination by " It should be readily apparent that the test for the depression of the "JUMP" key 108 may be one of many tests performed to determine the keys depressed by the user. Alternately, the tests may be interrupts generated when particular keys are depressed (See paragraph 31 lines 6-10). The CPU 29 of IRD 102 is the central control mechanism and executes stored code to perform certain functions of the system (See paragraph 28 lines 1-3). In another embodiment, the CPU 29 processes certain data to control the function of the "JUMP" key 108 (See paragraph 28 lines 5-7). In addition, the CPU 29 receives and processes the user input, received from the front panel buttons or switches 40 and the photodetector circuit 39 to provide the user functionality and access to the system described herein (See paragraph 28 lines 8-12)". The CPU, acting as a computer function is inherent to perform the counter functionality and evaluate the value".

Regarding Claims 12 and 13, Saib further anticipates some of the plurality of functions affecting a favorite channel list are selected from the group consisting of accessing, updating, programming and last channel by "As a user consecutively pushes the JUMP key or button 108, the user will be switched between station 1 (401), station 2 (402), station 3 (403) and then back to station 1 (401) (See paragraph 36 lines 7-10). FIG. 4B is a state diagram that illustrates that stations 4 (404) and 5 (405) have been added to the JUMP loop sequence of FIG. 4A (See

paragraph 37 lines 1-3). In contrast, the present invention allows a user to jump among any two or more stations, not just the two most recently tuned stations. Moreover, the present invention allows the user to assign up to five stations during a single viewing period as well as add and remove stations during a single viewing period with a single key. Furthermore, the JUMP Loop function is user-friendly as the same single key is used to jump, to store and to delete the stations in the JUMP Loop (See paragraph 6 lines 5-13). For example, one cable box has a LAST CHANNEL RECALL ("LC") button/key that allows a user to toggle back and forth between the last channel tuned and the currently tuned channel (See paragraph 5 lines 2-6)".

Regarding Claim 14, Saib anticipates a machine-readable medium containing instructions executed by a processor to perform the method of implementing a plurality of functions on a multimedia presentation device and providing access to the plurality of functions through a single-button depression wherein a button depression duration corresponds to one of the plurality of functions by "The CPU 29 of IRD 102 is the central control mechanism and executes stored code to perform certain functions of the system. For example, in one embodiment, the CPU 29 receives and processes data to tune to a particular station. In another embodiment, the CPU 29 processes certain data to control the function of the "JUMP" key 108 to allow the user to store a selected number of channels in a JUMP Loop sequence. In addition, the CPU 29 receives and processes the user input, received from the front panel buttons or switches 40 and the photodetector circuit 39 to provide the user functionality and access to the system described herein (See paragraph 28 lines 1-12)".

Regarding Claim 16, Saib further anticipates the plurality of functions affecting a favorite channel list by "Once a user selects at least two JUMP stations to be included in a complete JUMP Loop, the user needs to merely press the JUMP key or JUMP button repeatedly (e.g., for less than the predetermined period of time) to view the stations in the order that they were set or assigned to the JUMP Loop. Of course, at any time, the user can add or remove JUMP stations simply by holding the JUMP key down for at least the predetermined amount of time (See paragraph 35 lines 13-21).

Regarding Claim 19, Saib anticipates an apparatus comprising a processor coupled with memory; the memory having stored executable instructions, when executed, cause the processor to evaluate a depression duration of a button for controlling a multimedia presentation device and performing a function of plurality of functions based on the depression duration by " (See paragraph 6 lines 1-2, paragraph 32 lines 1-5). The CPU 29 of IRD 102 is the central control mechanism and executes stored code to perform certain functions of the system. For example, in one embodiment, the CPU 29 receives and processes data to tune to a particular station. In another embodiment, the CPU 29 processes certain data to control the function of the "JUMP" key 108 to allow the user to store a selected number of channels in a JUMP Loop sequence (See paragraph 28 lines 1-8)".

Regarding Claim 20, Saib further anticipates evaluating the depression duration comprising determining depression of a button, periodically incrementing a counter and evaluating the value upon termination by " (See paragraph 31 lines 6-10, paragraph 28 lines 1-3, paragraph 28 lines 5-7, paragraph 28 lines 8-12)". The CPU, acting as a computer function is inherent to perform the counter functionality and evaluate the value.

Regarding Claims 21 and 22, Saib further anticipates some of the plurality of functions affecting a favorite channel list are selected from the group consisting of accessing, updating, programming and last channel by " (See paragraph 37 lines 1-3, paragraph 6 lines 5-13, paragraph 5 lines 2-6)".

Regarding Claim 23, Saib anticipates a multimedia presentation device comprising a television display; a push-button control device to control the television display, the push-button device providing access to a the plurality of functions through a single-button depression wherein a button depression duration corresponds to one of the plurality of functions; and a favorite channel list containing a plurality of pre-settable program selections by " FIG. 1A is a simplified diagram illustrating a Direct Satellite System (DSS). The system has an antenna 112, an Integrated Receiver Decoder 102 (IRD), a remote controller 106 and a monitor 100, such as a TV set. The remote controller 106 has a JUMP key 108, which will be discussed in greater detail later

Art Unit: 2633

(See paragraph 18 lines 1-6)". The "JUMP" key 108 allows the user to selectively store a plurality of stations during a single viewing period in a JUMP Loop. The viewer is able to reset or select a new set of stations to be a part of the JUMP Loop during a single viewing period (See paragraph 21 lines 5-9)".

Regarding Claim 24, Saib further anticipates the last channel function allowing the user to select a succession of previously-tuned channel from the favorite channel list by " A method and apparatus for providing a multi-station JUMP function is described. The present invention expands upon the prior art JUMP function, which only allowed a user to toggle between the two most recently tuned stations. In contrast, the present invention allows a user to jump among any two or more stations, not just the two most recently tuned stations (See paragraph 6 lines 1-7)".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saib et al (US 20010005905 A1) as applied to claims 1-5, 7, 10-14, 16, 19-24 above, and further in view of Burgett et al (US 5,982,357).

Regarding Claims 8 and 9, Saib teaches a method implementing a function of plurality of functions on a multimedia presentation device and providing access to the plurality of functions through a single-button depression wherein a button depression duration corresponds to one of the plurality of functions by (See paragraph 16 lines 1-7, paragraph 6 lines 1-2, paragraph 32 lines 1-5, paragraph 6 lines 7-13, paragraph 35 lines 13-21). Saib does not teach button depression duration and a function is based upon an expected use frequency of the function, more frequent use function corresponding to longer period depression. However, Burgett does

teach button depression duration and a function is based upon an expected use frequency of the function by “ That is, keyboards generally have a so-called repeat key function which determines whether a particular key has been depressed for a period of time which is sufficient to indicate that the operator intends to have a key character repeated (See Col 4 lines 47-51)”. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Saib (See paragraph 16 lines 1-7, paragraph 6 lines 1-2, paragraph 32 lines 1-5, paragraph 6 lines 7-13, paragraph 35 lines 13-21) with a function is based upon an expected use frequency of the function taught by Burgett (See Col 4 lines 47-51) as a conventional and intuitive way to define the function.

Regarding Claims 17 and 18, Saib teaches a machine-readable medium containing instructions executed by a processor to perform the method of implementing a plurality of functions on a multimedia presentation device and providing access to the plurality of functions through a single-button depression wherein a button depression duration corresponds to one of the plurality of functions by (See paragraph 28 lines 1-12). Saib does not teach button depression duration and a function is based upon an expected use frequency of the function, more frequent use function corresponding to longer period depression. However, Burgett does teach button depression duration and a function is based upon an expected use frequency of the function (See Col 4 lines 47-51). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Saib (See paragraph 28 lines 1-12) with a function is based upon an expected use frequency of the function taught by Burgett (See Col 4 lines 47-51) as a conventional and intuitive way to define the function.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saib et al (US 20010005905 A1) as applied to claims 1-5, 7, 10-14, 16, 19-24 above, and further in view of Journot (US 4,052,799).

Regarding Claims 6 and 15, Saib teaches corresponding function indicator relates to each depression duration by “ The CPU 29 formulates the format and other digital data that form the messages printed on the screen, such as messages generated regarding the addition or


removal of stations from the JUMP Loop. Data that is representative of a message, is then forwarded to the transport IC 34, which then forwards the data to the DRAM 25a of the MPEG video decoder 25 for subsequent output to the monitor 200 for display (See paragraph 29 lines 1-8)". Saib does not teach depression duration indicator indicating a time of depression. However, Journot does teach depression duration indicator indicating a time of depression by "A significant part of this invention is concerned with a silent clock or timer which is ideally suited for use by a speech clinician, in that it can be used to count time "up" from zero (in order to give the clinician a ready indication of elapsed time since a testing session began) (See Col 2 lines 51-54)". It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Saib (See paragraph 29 lines 1-8) with a depression duration indicator and a corresponding function taught by Burgett (See Col 2 lines 51-54) as an aided tool to verify the depression function.

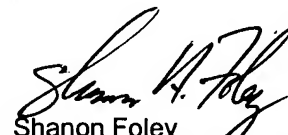
Art Unit: 2633

Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 07:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, shanon foley can be reached on (571)272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Fred Peng
Patent Examiner


Shanon Foley
Supervisory Patent Examiner